



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 165-99
21 May 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Caron, Bishop, and Neuschafer, reviewed Petitioner's allegations of error and injustice on 19 May 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Navy on 19 June 1990 for two years as a ABH3 (E-4). At the time of his reenlistment, he

completed nearly four years of active service. He extended his enlistment for a period of four months on 19 August 1990.

d. Petitioner had no disciplinary actions during his service. Incident to his release from active duty, he was not recommended for advancement or retention due to his failure to meet the Navy's body fat standards during two consecutive performance readiness test/body fat cycles. He was honorably released from active duty and transferred to the Navy Reserve on 18 October 1992 and assigned an RE-4 reenlistment Code. He was honorably discharged upon completion of his obligated service on 17 June 1994.

e. Regulations authorize the assignment of an RE-3T reenlistment code to an individual who is ineligible to reenlist upon expiration of his enlistment due to failure to meet weight standards. An RE-3T reenlistment code means the individual is eligible for reenlistment except for the disqualifying factor of being overweight. This code may be waived by recruiting officials if the disqualifying factor no longer exists. An RE-4 reenlistment code means that an individual is not eligible for reenlistment without the prior approval of Commander, Naval Personnel Command.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes that Petitioner had no disciplinary action during two enlistments and he was not recommended for retention only because he exceeded body fat standards at the expiration of his enlistment. The Board believes that assignment of an RE-4 reenlistment code was unduly harsh and he should not be denied an opportunity to reenlist at a future date if he currently meets Navy weight standards and is qualified in all other respects. The Board concludes that it would be appropriate and just to change his reenlistment code to RE-3T.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 18 October 1992, to RE-3T.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director